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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

March 2, 2009

MEMORANDUM

TO: Local and Intermediate School District Superintendents
Public School Academy Administrators
Directors of Special Education
Business Managers

FROM: Sally Vaughn, Ph.D. *Sally*
Deputy Superintendent/Chief Academic Officer

SUBJECT: Maintenance of Effort as required under the Individuals with
Disabilities Education Act (IDEA)

Background

The federal regulation implementing the Individuals with Disabilities Education Act (IDEA) at 34 C.F.R. §300.203 requires that all local school districts, public school academies, and intermediate school districts who expend IDEA, Part B funds comply with "maintenance of effort" provisions. These provisions state that IDEA, Part B funds may not be used to reduce the level of state and local expenditures for the education of pupils with disabilities from one year to the next. Furthermore, Section 300.203 requires that the state agency have on file information from each district which expends IDEA, Part B funds that this requirement is met.

Purpose

The purpose of this memorandum is to notify local school districts, public school academies, and intermediate school districts that expended IDEA, Part B funds in the 2007–08 fiscal year of the process that will be followed to comply with 34 C.F.R. §300.203. The Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE-OSE/EIS) will complete an initial review from information previously submitted. Each district will be notified in writing of the results of this initial review.

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MEMORANDUM

Page 2

March 2, 2009

Districts that have not maintained state and local effort following this initial review will be contacted to provide additional information under 34 C.F.R. §300.204, Exception to Maintenance of Effort. It is anticipated that intermediate school district personnel will work in cooperation with local school district and public school academy personnel to ensure that all federal exceptions to the maintenance of effort requirement are applied appropriately in the attempt to document state and local effort.

The MDE-OSE/EIS will be available to provide technical assistance. The failure of the local school district, public school academy, or intermediate school district to maintain state and local effort will result in repayment with non-federal funds to the Michigan Department of Education the lesser of the effort that was not maintained, or the total of the federal allocation.

The MDE-OSE/EIS has developed a Maintenance of Effort Planning Tool to assist local school districts, public school academies, and intermediate school districts in calculating whether fiscal effort has been maintained. The interactive spreadsheet can be accessed two ways, by:

1) Clicking the following link:

http://www.michigan.gov/mde/0,1607,7-140-6530_6598_8391-140285.html

2) or by accessing the MDE-OSE/EIS web page:

- <http://www.michigan.gov/ose-eis>
- Select "Finance Management"
- Select "Maintenance of Fiscal Effort as required Under IDEA"

If you have further questions regarding Maintenance of Effort in general, please contact Debbie Nowlen (NowlenD@Michigan.gov) or John Cloft (CloftJ@Michigan.gov), Program Finance, at (517) 241-1235.